



STRATEGIC POLICING AND CRIME BOARD
13 May 2014

**Professional Standards
Quality of Service**

PURPOSE OF REPORT

1. The purpose of this report is to provide members of the Strategic Policing Crime Board with an overview of the recent work of the Professional Standards Department of West Midlands Police.

BACKGROUND

2. This report provides statistics and explanation regarding the number of complaints dealt with by West Midlands Police, the type of allegations the complaints relate to and the numbers of complaints that have been referred to the IPCC. The report then goes on to detail the outcome of the complaints received, the timeliness of the investigations, results of appeals and ethnic breakdown of the complaints.

COMPLAINTS AGAINST THE POLICE

3. An explanation of Business Process

The following information relies on data that was recorded as of 31 March 2014

How Many Complaints are yet to be concluded?	
<i>Cases recorded in</i>	
Apr 2013 - Mar 2014	727
Apr 2012 - Mar 2013	119
Apr 2011 - Mar 2012	18
Apr 2010 - Mar 2011	5
Total	869

4. This chart shows the number of complaints that are still to be concluded by reference to the financial year in which they were recorded, therefore showing the current workload of the force in relation to complaints against the police.

5. The 5 outstanding complaints from April 2010 – March 2011 have been reviewed due to the length of time they have been under investigation. Of these five cases, one is subject of an ongoing IPCC Independent Investigation; and the remaining four are cases subject of appeal to the IPCC.

How Many Complaints are yet to be concluded?	
<i>by timeliness</i>	
Less than one month old	110 (including 1 pending appeal)
Between 1 and 3 months old	206 (including 40 pending appeal)
Between 3 and 6 months old	177 (including 68 pending appeal)
Between 6 and 12 months old	234 (including 99 pending appeal)
Over 12 months old	142 (including 99 pending appeal)
Total	869 (including 307 pending appeal)

6. This chart shows the number of complaints that are still to be concluded by reference to the age of the complaint since it was recorded, therefore showing the current workload of the force in relation to complaints against the police. By referring to the age of the complaint, it can be seen that 869 are yet to be concluded. (This is an increase from 767 cases in October 2013). Of these 869 cases, 434 are allocated to Professional Standards Department and the remainder 435 are allocated to LPU/Departments. However 307 of the 869 cases are completed investigations, but are pending due to the appeal process. Of these 307, 142 cases were allocated to Professional Standards, with 165 allocated to LPU/Department. Taking the 307 cases pending appeal out of the equation, this leaves 562 cases that are still subject to current investigation or attempts at Local Resolution. (This is an increase on the 542 cases in October 2013).
7. Under the 2008 Regulations the appeal body for complaints against the police was solely the IPCC. This changed with the 2012 Regulations when in November 2012 only appeals in the more serious cases would be considered by the IPCC, all remaining appeals are sent to the police force Professional Standards Department to consider. Currently the IPCC continue to have approximately a 26 week turnaround time for considering appeals. This impacts on the timeliness data of concluded complaints that are subject of appeal. West Midlands Professional Standards are currently dealing with appeals within five weeks. Due to the progressive increase in appeals shifting from the IPCC to West Midlands Police and the associated increase in workload as a consequence West Midlands Police are finding it a challenge to maintain swift turnaround times for complainants.

How many Complaints have been recorded?		
<i>Cases recorded in</i>		<i>Year on Year comparison</i>
Apr 2013 - Mar 2014	1479	9% increase
Apr 2012 - Mar 2013	1341	12% reduction
Apr 2011 - Mar 2012	1538	18% reduction
Apr 2010 - Mar 2011	1876	

8. Having seen the current workload, from two perspectives, this chart shows the number of complaints that were recorded in the current and recent previous financial years, (with comparison provided) which allows some consideration of the work that has been completed. The figures provided relate to whole year data and therefore provide for direct comparison.
9. The increase in complaint numbers was anticipated due to the changes introduced with the 2012 Regulations. Since November 2012 all "Direction and Control" complaints are now recorded as a complaint against police. Prior to November 2012 all "Direction and Control" complaints were recorded on a separate database called "Quality of Service" held on Local Policing Units and Departments. This database is no longer used and all "Direction and Control" complaints are recorded as complaints against police and captured within these figures. An example of a "Direction and Control" complaint might be a member of the public complaining there are not enough foot patrol officers in Walsall town centre.
10. In addition to complaints that are recorded, the force may make decisions to not record complaints. This chart shows the numbers of complaints that were not recorded. There is an appeal process to the IPCC for complaints not recorded. The following tables show the number of complaints not recorded, the reason for not recording and the appeal status, including any direction by the IPCC. The changes with the 2012 Regulations saw changes to the grounds required for not recording, therefore the numbers are shown on different tables below.

How many Complaints have NOT been recorded, and why?

Apr 2013 - Mar 2014

<i>Reason</i>	<i>Amount</i>	<i>Appeal</i>	<i>Outcome</i>
Vexatious, oppressive or abuse of procedures	25	9	1 Upheld and complaint recorded; 6 Not Upheld; 2 Not Valid.
Repetitious and previously concluded	28	8	2 Upheld and complaint recorded; 5 Not Upheld; 1 Not Valid.
Already subject of complaint	6	0	
Not within provisions of Police Reform Act	13	1	1 Not Valid
Fanciful	1	0	
Total	73	18	
No Recording decision made.		17	7 Upheld and complaints recorded; 4 Not Upheld; 6 Not Valid.

Apr 2012 - Mar 2013

<i>Reason</i>	<i>Amount</i>	<i>Appeal</i>	<i>Outcome</i>
<i>2008 Regulations</i>			
Does not fall within the provisions of the Act	25	7	7 Not upheld
Has been made by a person serving with the police	4	nil	
Has been made under the Police Act 1996	2	1	1 Not upheld
Is solely about direction and control	67	nil	
Already subject of complaint	5	2	2 Not upheld
<i>2012 Regulations</i>			
Vexatious, oppressive or abuse of procedures	3	2	1 Not Upheld; 1 Not valid
Repetitious and previously concluded	19	6	2 Upheld and complaint recorded; 4 Not upheld
Complaint is fanciful	3	1	1 Not upheld
Has previously been withdrawn	1	1	1 Upheld, to give further information
Already subject of complaint	14	6	3 Not Upheld; 1 Upheld No Action.
Total	143		2 Upheld complaint recorded;
No Recording decision made.		13	7 Upheld complaint recorded; 1 Upheld further information required; 1 Upheld No action; 1 Not Valid; 3 Not Upheld

11. Having identified the number of complaints recorded, or not, each complaint (representing a dissatisfied member of the public) may be made up of more than one allegation. *e.g. One person makes one allegation that the arresting officer used excessive force and one allegation that later while in detention, the Custody Sergeant failed to deal with them correctly.* The result of this is that there will be one complaint recorded but two allegations recorded, hence a higher number of allegations

recorded than complaints. It can be seen that the allegations of Neglect, Incivility and Assault remain consistently those matters that cause the most concern.

Allegation Types

The complaints recorded contained the following allegation types.

Apr 2013 - Mar 2014

Operational policing policies	11
Organisational decisions	4
General policing standards	1
Operational management decisions	1
Serious non-sexual assault	32
Sexual assault	6
Other assault	355
Oppressive conduct or harassment	182
Unlawful/unnecessary arrest or detention	142
Discriminatory Behaviour	77
Irregularity in evidence/perjury	100
Corrupt practice	59
Mishandling of property	134
Breach Code A PACE	25
Breach Code B PACE	58
Breach Code C PACE	91
Breach Code D PACE	1
Breach Code E PACE	2
Lack of fairness and impartiality	171
Multiple or unspecified breaches of PACE	6
Other neglect or failure in duty	798
Other irregularity in procedure	78
Incivility, impoliteness and intolerance	472
Traffic irregularity	9
Other	36
Improper disclosure of information	50
Other sexual conduct	3
Total	2,904

Allegation Types

The complaints recorded contained the following allegation types.

Apr 2012 - Mar 2013

Operational policing policies	2
Organisational decisions	4
General policing standards	0
Operational management decisions	2
Serious non-sexual assault	13
Sexual assault	9
Other assault	362
Oppressive conduct or harassment	155
Unlawful/unnecessary arrest or detention	126
Discriminatory Behaviour	80
Irregularity in evidence/perjury	117
Corrupt practice	42
Mishandling of property	138
Breach Code A PACE	25
Breach Code B PACE	70
Breach Code C PACE	91
Breach Code D PACE	5
Breach Code E PACE	1
Lack of fairness and impartiality	128
Multiple or unspecified breaches of PACE	10
Other neglect or failure in duty	704
Other irregularity in procedure	67
Incivility, impoliteness and intolerance	442
Traffic irregularity	4
Other	30
Improper disclosure of information	68
Other sexual conduct	0
Total	2,695

12. Having recorded a complaint against the police, the force is required in certain circumstances to refer cases to the Independent Police Complaints Commission.

<u>How many complaints were referred to the IPCC?</u>	
(By reason for referral)	
<u>Apr 2013 - Mar 2014</u>	
Criminal offence or discriminatory behaviour likely to lead to discipline	12
Death or serious injury	15
Gravity or exceptional circumstances	1
Relevant offence (see explanatory note)	12
Serious assault	45
Serious corruption	13
Serious sexual offence	3
Taser	7
Voluntary	13
TOTAL (out of 1479 recorded) (8.2%)	121
<u>Apr 2012 - Mar 2013</u>	
Criminal offence or discriminatory behaviour likely to lead to discipline	19
Death or serious injury	15
Gravity or exceptional circumstances	0
Relevant offence (see explanatory note)	7
Serious assault	26
Serious corruption	14
Serious sexual offence	2
Taser	1
Voluntary	11
TOTAL (out of 1341 recorded) (7.3%)	95

13. Where a case is referred to the IPCC they will determine whether the matter should be returned to the force to investigate themselves, or whether the IPCC should have some level of involvement (in Supervised or Managed cases) or take on the whole investigation as an Independent Investigation.

<u>IPCC Referred back to Force</u>	
Apr 2013 - Mar 2014 (2 awaiting decision)	101
Apr 2012 - Mar 2013	76

<u>How many complaints were not required to be referred to IPCC?</u>	
Apr 2013 - Mar 2014	1358
Apr 2012 - Mar 2013	1246

14. The following is a summary of the cases either retained by the IPCC as Independent Investigations, or determined some level of IPCC intervention, these are classified as either Supervised or Managed by the IPCC. The difference between the three classifications is as follows:

- Independent means investigated and managed by the IPCC with very little involvement from the Force.
- Managed means the IPCC take complete control of the investigation but use PSD staff to carry out the majority of the investigation.
- Supervised means the investigation is managed by PSD with each stage being approved by the IPCC.

<u>IPCC Independent</u>		OUTCOMES
Apr 2013 – Mar 2014		
1	Serious Corruption	Current Investigation
2	Criminal / Discipline	Current Investigation
3	Death or serious injury	Upheld. No Case to Answer.
4	Relevant offence	Current Investigation
5	Voluntary	Current Investigation
6	Serious assault	Current Investigation
7	Voluntary	Current Investigation
8	Serious corruption	Current Investigation
9	Serious corruption	Current Investigation
Apr 2012 - Mar 2013		
1	Criminal / Discipline	Current Investigation
2	Criminal / Discipline	Current Investigation
3	Death or serious injury	Current Investigation
4	Serious assault	Current Investigation
5	Serious corruption	Current Investigation
6	Serious corruption	Current Investigation
7	Serious corruption	Current Investigation
8	Serious corruption	Current Investigation

<u>IPCC Managed</u>		OUTCOMES
Apr 2013 - Mar 2014		
None		
Apr 2012 - Mar 2013		
1	Relevant offence	Current Investigation
2	Voluntary	Current Investigation

<u>IPCC Supervised</u>	OUTCOMES
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Apr 2013 - Mar 2014

1	Criminal offence or discriminatory behaviour likely to lead to discipline	Current Investigation
2	Death or serious injury	Current Investigation
3	Serious assault	Current Investigation
4	Serious assault	Not Upheld
5	Serious assault	Current Investigation
6	Serious assault	Current Investigation
7	Serious assault	Current Investigation
8	Gravity or exceptional circumstances	Current Investigation
9	Serious sexual offence	Current Investigation

Apr 2012 - Mar 2013

1	Criminal / Discipline	Local Resolution
2	Criminal / Discipline	Withdrawn by Complainant UPHELD - Management
3	Death or serious injury	Action
4	Serious assault	NOT UPHELD UPHELD - Management
5	Serious assault	Action
6	Serious assault	Appeal Made
7	Serious corruption	Current Investigation
8	Voluntary	UPHELD No Action Required
9	Voluntary	NOT UPHELD

15. The remainder of cases fall to the force to investigate without further reference to the IPCC and the following charts show the current status of the cases recorded since April 2012, and divided between those matters dealt with by Professional Standards Department and those dealt with by Local Policing Unit or Police Departments.

Force Investigation

<u>by Professional Standards</u>	
Cases Recorded Apr 2013 - Mar 2014	556
Current Investigation	210
Sub Judge	40
Appeal Made	15
Pending Appeal	54
Finalised	237
Cases recorded Apr 2012 - Mar 2013	549
Current Investigation	26
Sub Judge	4
Appeal Made	29
Pending Appeal	23
Finalised	467

<u>by Local Policing Unit</u>		884
Cases Recorded Apr 2013 - Mar 2014		258
Current Investigation		12
Sub Judge		29
Appeal Made		71
Pending Appeal		514
Finalised		
-		
		773
Cases recorded Apr 2012 - Mar 2013		6
Current Investigation		4
Sub Judge		18
Appeal Made		9
Pending Appeal		736
Finalised		

Force Investigation

16. Complaint cases dealt with by the Professional Standards Department will involve all those cases that are assessed as being likely to lead to criminal or misconduct proceedings if the facts are proven. Local Policing Units and Force Departments will deal with those less serious complaints which are suitable to be dealt with by way of Local Resolution.

17. The outcomes of complaints are determined and recorded in accordance with legislation and IPCC Statutory guidance.

The different available outcomes are:

18. **Local Resolution**: The force may carry out Local Resolution of a complaint where there is no likelihood of misconduct or criminal proceedings resulting from a complaint and can agree actions with the complainant and officer subject of complaint of how to resolve the complaint, usually through development or apology and improvement of service delivery.

19. **Not Upheld**: This is an outcome of an investigation where on the balance of probabilities, the allegations in the complaint cannot be supported.

20. **Upheld**: This is an outcome of an investigation where on the balance of probabilities, the allegations in the complaint are supported. Action will be identified as a result of an upheld complaint. The action might be one of the following:

- Management Action. This is intended to address minor failings of officers with the intention of improving how they do their job and provide a better service to communities.
- Misconduct Meeting. This forms formal misconduct proceedings and occurs whereby the officers behaviour falls below the "Standards of Professional Behaviour" and is considered too serious to deal with as immediate Management

Action. A Misconduct Meeting is chaired by a Superintendent and the purpose of the Meeting is to consider if the case against the officer is proven on the balance of probabilities. If the case against the officer is proven the chair must then decide upon the appropriate outcome. The options are: Management Advice, Written Warning (which remains live for 12 months) or a Final Written Warning (which remains live for 18 months).

- Misconduct Hearing. This is also formal proceedings and occurs whereby the officers behaviour falls so far below the “Standards of Professional Behaviour” that dismissal should be an option. A Misconduct Hearing is chaired by a member of the Command Team (Assistant Chief Constable or above) and if the case is proven then all of the above outcomes are an option with the additional option of Dismissal.
21. **De Recorded**: This is where a complaint is recorded in error (usually administrative error) where a duplication of recording takes place.
22. **Disapplication**: This is an IPCC term that the force or IPCC can authorise in certain circumstances. Disapplication means that the force, either on its own, or with authority from the IPCC, can decide to take no action, or no further action in relation to a complaint. The reasons this may be approved are:
1. Where the complaint is over 12 months since the incident alleged and no good reason has been shown for the delay in making the complaint;
 2. the same complaint has already been made by or on behalf of that complainant;
 3. The complainants name or address has not been identified;
 4. The complaint is either vexatious, oppressive or an abuse of the complaints process;
 5. The complaint is repetitious and has previously been dealt with.
23. **Discontinuance**: The force or IPCC can authorise discontinuance in certain circumstances. Discontinuance means that the force, either on its own, or with authority from the IPCC, can decide to take no action, or no further action in relation to a complaint. The reasons this may be approved are:
1. Where the complainant refuses to cooperate and it is not reasonably practicable to continue the investigation;
 2. the matter is suitable for Local Resolution;
 3. The complaint is either vexatious, oppressive or an abuse of the complaints process;
 4. The complaint is repetitious and has previously been dealt with.
24. **Dispensation**: The force or IPCC (under the 2008 Regulations) can authorise dispensation in certain circumstances. Dispensation means that the force, either on its own, or with authority from the IPCC, can decide to take no action, or no further action in relation to a complaint. The reasons this may be approved under the 2008 Regulations for the IPCC) are similar to disapplication.

Under the 2012 Regulations, the force can authorise dispensation where:

1. The complaint investigation has been suspended until the end of criminal proceedings: and
2. The complainant fails to indicate after the conclusion of those proceedings that he wants the complaint resumed; and
3. Reasonable steps have been taken to contact the complainant to ascertain their wishes and the complainant says NOT to start the investigation or FAILS to give such an indication within 28 days of a letter sent asking for such a decision AND
4. The matter does not amount to a Recordable Conduct Matter.

25. **Withdrawn:** A complainant may at any time after making a complaint decide to either withdraw their complaint or ask for no further action to be taken in respect of that complaint.

26. The next chart shows how cases that were recorded between the dates shown have been concluded.

OUTCOMES of Force Finalised Cases			
<u>by Professional Standards</u>		<u>by Professional Standards</u>	
Cases Recorded Apr 2013 - Mar 2014		Cases recorded Apr 2012 - Mar 2013	
De Recorded	5	De Recorded	4
Disapplication - by Force	37	Disapplication - by Force	18
Disapplication - by IPCC	1	Disapplication - by IPCC	1
Discontinued - by Force	5	Discontinued - by Force	2
Discontinued - by IPCC	0	Discontinued - by IPCC	1
Dispensation - by Force	0	Dispensation - by Force	21
Dispensation - by IPCC	0	Dispensation - by IPCC	29
Local Resolution	38	Local Resolution	96
Not Upheld	82	Not Upheld	199
Upheld	20	Upheld	54
Withdrawn by Complainant	49	Withdrawn by Complainant	62
Total	237	Total	487
<u>by Local Policing Unit</u>		<u>by Local Policing Unit</u>	
Cases Recorded Apr 2013 - Mar 2014		Cases recorded Apr 2012 - Mar 2013	
De Recorded	1	De Recorded	1
Disapplication - by Force	2	Disapplication - by Force	3
Disapplication - by IPCC	0	Disapplication - by IPCC	0
Discontinued - by Force	0	Discontinued - by Force	0
Discontinued - by IPCC	0	Discontinued - by IPCC	0
Dispensation - by Force	0	Dispensation - by Force	0
Dispensation - by IPCC	0	Dispensation - by IPCC	1
Local Resolution	272	Local Resolution	255
Not Upheld	150	Not Upheld	316
Upheld	43	Upheld	104
Withdrawn by Complainant	46	Withdrawn by Complainant	53
Total	514	Total	733

27. The next chart shows the number of cases and their outcomes that have been concluded between the dates shown (regardless of when they were first recorded).

OUTCOMES of Force Finalised Cases			
<u>by Professional Standards</u>		<u>by Professional Standards</u>	
Cases Finalised Apr 2013 - Mar 2014		Cases Finalised Apr 2012 - Mar 2013	
<i>(Irrespective of when recorded)</i>		<i>(Irrespective of when recorded)</i>	
De Recorded	6	De Recorded	2
Disapplication - by Force	53	Disapplication - by Force	2
Disapplication - by IPCC	2	Disapplication - by IPCC	0
Discontinued - by Force	6	Discontinued - by Force	1
Discontinued - by IPCC	0	Discontinued - by IPCC	4
Dispensation - by Force	13	Dispensation - by Force	20
Dispensation - by IPCC	1	Dispensation - by IPCC	36
Local Resolution	60	Local Resolution	90
Not Upheld	207	Not Upheld	189
Upheld	81	Upheld	48
Withdrawn by complainant	72	Withdrawn by Complainant	53
Total	501	Total	445
<u>by Local Policing Unit</u>		<u>by Local Policing Unit</u>	
Cases Finalised Apr 2013 - Mar 2014		Cases Finalised Apr 2012 - Mar 2013	
<i>(Irrespective of when recorded)</i>		<i>(Irrespective of when recorded)</i>	
De Recorded	1	De Recorded	2
Disapplication - by Force	2	Disapplication - by Force	0
Disapplication - by IPCC	0	Disapplication - by IPCC	0
Discontinued - by Force	4	Discontinued - by Force	1
Discontinued - by IPCC	0	Discontinued - by IPCC	0
Dispensation - by Force	0	Dispensation - by Force	3
Dispensation - by IPCC	0	Dispensation - by IPCC	1
Local Resolution	340	Local Resolution	259
Not Upheld	309	Not Upheld	353
Upheld	113	Upheld	107
Withdrawn by Complainant	65	Withdrawn by Complainant	56
Total	834	Total	782

28. The amount of time taken to conclude complaint investigations is subject of an Association of Chief Police Officers target of within 110 working days. This chart shows an increase, (in the most current year) in the time taken to conclude complaints against the police by way of investigation.

Timeliness of Investigation	
Target within 110 days	
	-
Apr 13 to Mar 14	100 days
Apr 12 to Mar 13	97 days
Apr 11 to Mar 12	102 days

29. The amount of time taken to conclude complaints using the Local Resolution procedure is subject of an IPCC target of within 28 working days. This chart shows the time taken to conclude complaints against the police by way of Local Resolution. The data shows that while there has been an improvement compared to previous years, the performance has remained the same for the last two years and force is still to achieve the target. Appropriate Authorities (LPU and Departmental Chief Inspectors) were reminded of the importance of prompt Local Resolution and marketed as to the benefits of this process for the organisation and the public at a recent Appropriate Authorities meeting.

Timeliness of Local Resolution	
Target within 28 days	
Apr 13 to Mar 14	40 days
Apr 12 to Mar 13	40 days
Apr 11 to Mar 12	44 days

30. Police regulations require complainants and other interested parties (including officers and staff subject of complaints) to be kept updated at least every 28 days with details of the progress of their complaint. Data shows that while the target of 100% of contacts to be made within 28 days has not been achieved, there is a continuing improvement towards that target. However this is offset by a mixed performance across the LPU's and departments with some showing improvement and some showing reduced performance. Appropriate Authorities were reminded of the importance of keeping complainants and staff updated with progress and marketed as to the benefits of this process for the organisation and the public at a recent Appropriate Authorities meeting.

31. The following charts shows performance in relation to contact within 28 days for both complainants and officers and staff subject of complaints.

Contact Counts - Complainants	
<i>Target 100%</i>	
Apr 13 to Mar 14	87%
Apr 12 to Mar 13	85%
Apr 11 to Mar 12	73%

Contact Counts - Subjects	
<i>Target 100%</i>	
Apr 13 to Mar 14	89%
Apr 12 to Mar 13	88%
Apr 11 to Mar 12	75%

Complaint Matters by reference to Ethnicity

Recorded Cases April 2013 to March 2014.

32. In the period 1 April 2013 to 31 March 2014, the 1479 complaint cases recorded can be shown by reference to the complainant's ethnicity in the next chart.

Ethnicity	Number	% of total
Asian	99	7%
Black	38	3%
Other	36	2%
Unknown	195	13%
White	1111	75%
Total	1479	

33. In the period 1 April 2013 to 31 March 2014, there were 73 Discrimination Complaints made. This next chart shows the breakdown of recorded cases by reference to the complainant's ethnicity.

Ethnicity	Number	% of total
Asian	8	11%
Black	3	4%
Other	0	0%
Unknown	9	12%
White	53	73%
Total	73	

Finalised Cases April 2013 to March 2014.

34. In the period 1 April 2013 to 31 March 2014, there were 1335 cases finalised. This next chart shows the breakdown of finalised cases by reference to the complainant's ethnicity.

Ethnicity	Number	% of total
Asian	97	7%
Black	28	2%
Other	26	2%
Unknown	140	10%
White	1044	79%
Total	1335	

35. The next chart shows the outcome of cases by ethnicity.

Outcome	Ethnicity	Number	% of total
De Recorded	Asian	1	14%
	Black	0	0%
	Other	3	43%
	Unknown	0	0%
	White	3	43%
	Total	7	
Disapplication - by Force	Asian	5	9%
	Black	1	2%
	Other	1	2%
	Unknown	20	36%
	White	28	51%
	Total	55	
Disapplication - by IPCC	Asian	0	0%
	Black	0	0%
	Other	0	0%
	Unknown	1	50%
	White	1	50%
	Total	2	
Discontinued - by Force	Asian	1	11%
	Black	0	0%
	Other	0	0%
	Unknown	1	11%
	White	7	78%
	Total	9	
Dispensation - by Force	Asian	2	14%
	Black	0	0%
	Other	0	0%
	Unknown	2	14%
	White	10	72%
	Total	14	
Dispensation - by IPCC	Asian	0	0%
	Black	0	0%
	Other	0	0%
	Unknown	0	0%
	White	1	100%
	Total	1	
Local Resolution	Asian	26	6%
	Black	14	4%
	Other	6	2%
	Unknown	26	6%
	White	330	82%

	Total	402	
Not Upheld	Asian	35	7%
	Black	10	2%
	Other	12	2%
	Unknown	46	9%
	White	407	80%
	Total	510	
Upheld	Asian	13	7%
	Black	3	2%
	Other	2	1%
	Unknown	15	8%
	White	161	83%
	Total	194	
Withdrawn	Asian	14	10%
	Black	0	0%
	Other	2	2%
	Unknown	18	13%
	White	108	75%
	Total	142	
Grand Total		1335	

Finalised Discriminatory Allegation Cases.

36. In relation to allegations of Discriminatory Behaviour finalised during this same period, it can be seen that 36 such cases were finalised. This next chart shows the breakdown of finalised cases of discrimination by reference to the complainant's ethnicity.

Ethnicity	Number	% of total
Asian	4	11%
Black	1	3%
Other	0	0%
Unknown	4	11%
White	27	75%
	36	

37. The next charts show the outcome of the Discriminatory Behaviour cases by ethnicity of the complainant.

Outcome	Ethnic Appearance	% of total	
		Number	
De Recorded	Asian	0	0%
	Black	0	0%
	Other	0	0%
	Unknown	0	0%
	White	1	100%
	Total	1	
Disapplication - by Force	Asian	0	0%
	Black	0	0%
	Other	0	0%
	Unknown	1	100%

	White	0	0%
	Total	1	
Disapplication - by IPCC	Asian	0	0%
	Black	0	0%
	Other	0	0%
	Unknown	1	100%
	White	0	0%
	Total	1	
Discontinued - by Force	Asian	1	100%
	Black	0	0%
	Other	0	0%
	Unknown	0	0%
	White	0	0%
	Total	1	
Dispensation - by Force	Asian	0	0%
	Black	0	0%
	Other	0	0%
	Unknown	0	0%
	White	0	0%
	Total	0	
Dispensation - by IPCC	Asian	0	0%
	Black	0	0%
	Other	0	0%
	Unknown	0	0%
	White	0	0%
	Total	0	
Local Resolution	Asian	1	10%
	Black	0	0%
	Other	0	0%
	Unknown	0	0%
	White	9	90%
	Total	10	
Not Upheld	Asian	2	10%
	Black	1	5%
	Other	0	0%
	Unknown	1	5%
	White	16	80%
	Total	20	
Upheld	Asian	0	0%
	Black	0	0%
	Other	0	0%
	Unknown	1	100%
	White	0	0%
	Total	1	
Withdrawn	Asian	0	0%
	Black	0	0%
	Other	0	0%
	Unknown	0	0%
	White	1	100%
	Total	1	

Grand Total		36	
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A review of the data sets broken down by ethnicity of complainants and complaints of Discriminatory Behaviour have been examined in order to identify any patterns, themes or disproportionality. In order to compare the different groups it is necessary to understand the total makeup of the communities of the West Midlands. The West Midlands 2011 census data shows the the breakdown as follows:

- Asian 19%
- Black 6%
- White 70%
- Other 5%

Comparing the census data with the number of complaints received from members of the public it shows there are marginally fewer complaints from BME communities than white communities.

Disapplications show a higher proportion of complaints in the 'unknown ethnicity' category. This may be attributable to the failure of complainants to engage in the complaints procedure and thereby disapplication being the appropriate outcome.

Appeals

38. At the outcome of an investigation or Local Resolution of a complaint, as well as any decision to take no action by way of Disapplication or Discontinuance, a complainant will have a right of appeal to either the force or the IPCC, as determined by the force with reference to seriousness of the allegation.

39. The following charts show details of the IPCC and Force appeals, their categories and outcomes for all complaints recorded between April 2012 to 31 March 2014. *(The relevance of 22 November 2012 is that is the date of changes to Police regulations creating a right of appeal to police forces, as opposed to just the IPCC. These appeals will be in relation to less serious complaints which would not lead to criminal or misconduct proceedings.)*

<u>IPCC APPEALS - Apr 2013 to Mar 2014</u>		
<u>2014</u>		
<i>(Received in Force between these dates)</i>		
<u>Category</u>	<u>IPCC Decision</u>	
Application of Disapplication	Not Upheld	1
Outcome of Local Resolution	Awaiting decision	1
	Not Upheld	1
	Not Valid	4
Outcome of a Police Investigation	Awaiting decision	38
	Not Upheld	32
	Not Valid	23
	Upheld	36
Total		136

<u>IPCC APPEALS - Apr 2012 to Mar 2013</u>		
<u>2013</u>		
<i>(Received in Force between these dates)</i>		
<u>Category</u>	<u>IPCC Decision</u>	

Discontinuance	Not Upheld	1
Local Resolution Process	Not Upheld	4
	Not Valid	1
	Upheld	5
Outcome of Local Resolution	Not Valid	1
	Upheld	1
Outcome of a Police Investigation	Awaiting decision	18
	Not Upheld	96
	Not Valid	26
	Upheld	76
Total		229

<u>Force Appeals - Apr 2013 to Mar 2014</u>		
2014		
<i>(Received in Force between these dates)</i>		
<u>Category</u>	<u>Force Decision</u>	
Application of Disapplication	Awaiting Decision	1
	Not Upheld	15
Outcome of Local Resolution	Awaiting Decision	5
	Not Upheld	23
	Upheld	11
Outcome of a Police Investigation	Awaiting Decision	13
	Not Upheld	79
	Not Valid	3
	Upheld	12
Total		162

<u>Force Appeals - 22 November 2012 to 31 March 2013</u>		
<i>(Received in Force between these dates)</i>		
<u>Category</u>	<u>Force Decision</u>	
Application of Disapplication	Not Valid	1
Outcome of Local Resolution	Upheld	2
Outcome of a Police Investigation	Not Upheld	2
	Not Valid	1
Total		6

Recordable Conduct Matters

40. Recordable Conduct Matters are allegations against officers that are identified internally within the organisation and are outside of the complaints against the police system and are matters that, if proven, would justify criminal or misconduct proceedings.

41. This chart shows an overall decrease in the number of Recordable Conduct Matters recorded in the most recent 12 months, with disparate data across the LPU's. This year sees the lowest number of recordable conduct matters for four years.

Recordable Conduct Matters

Apr 13 to Mar 14	268	(8% reduction)
Apr 12 to Mar 13	291	(5% increase)
Apr 11 to Mar 12	276	(14% reduction)
Apr 10 to Mar 11	320	

42. Having identified the number of conduct matters recorded, each matter (representing one member of the organisation) may be made up of more than one allegation. e.g. *One allegation that an officer failed to follow a lawful order and one allegation that the officer treated a colleague disrespectfully.* The result of this is that there will be one conduct matter recorded but two allegations recorded, hence a higher number of allegations recorded than conduct matters. It can be seen that Discreditable Conduct, Duties and Responsibilities and then Honesty and Integrity allegations remain consistently the highest causes for concern.

Recordable Conduct Allegations

	Apr 11 to Mar 12	Apr 12 to Mar 13	Apr 13 to Mar 14
Honesty and Integrity	61	54	53
Authority, Respect and Courtesy	34	31	34
Equality and Diversity	6	4	9
Use of Force	12	12	9
Orders and Instructions	42	44	35
Duties and Responsibilities	61	58	53
Confidentiality	36	35	22
Fitness for Duty	1	3	3
Discreditable Conduct	134	137	147
Challenging and Reporting Improper Conduct	2	1	4
Total	389	379	369

Combined Conduct and Complaint Investigation

43. During the financial year April 2012 to March 2013, there was a total of 10 officers and staff members suspended. Of those, 3 individuals resigned while under investigation; 6 cases are ongoing investigation or proceedings and one was dismissed following proceedings. This is in contrast to table below that shows 27 officers that are currently suspended.

Suspended Officers

(as at 30 April 2014)

1. Inspector – Business Interest (Conduct)
2. Constable – Business Interest (Conduct)
3. Constable - Misconduct in Public Office (Conduct)
4. Sergeant – Pervert the Course of Justice (Conduct)
5. Special Constable – Sexual Offence (Conduct)
6. Constable – Assault (Conduct)
7. Constable – Harassment (Conduct)
8. Constable – Sexual Offence (Conduct)
9. Constable – Assault (Conduct)
10. Sergeant – Pervert the Course of Justice (Complaint)
11. Constable – Theft (Conduct)

12. Constable – Pervert the Course of Justice (Complaint)
13. Constable – Pervert the Course of Justice (Complaint)
14. Constable – Traffic Offence – (Conduct)
15. Sergeant – Pervert the Course of Justice (Conduct)
16. Constable – Assault (Conduct)
17. Police Staff – Data Protection (Conduct)
18. PCSO – Data Protection (Conduct)
19. Police Staff – Assault (Complaint)
20. Chief Inspector – Sexual Offence (Conduct)
21. Constable – Assault – (Conduct)
22. Constable – Data Protection (Conduct)
23. PCSO – Pervert the Course of Justice (Conduct)
24. Special Constable – Assault (Conduct)
25. Constable – Data Protection (Conduct)
26. Constable – Sexual Offence (Conduct)
27. Constable – Racial Abuse (Conduct)

44. The increase in the number of officers suspended has been influenced by The College Of Policing and the IPCC. Some aggravating factors relate to proactive work streams around “Abuse Of Authority Through Sexual Exploitation” and Data Protection matters. Both of these areas of work have been highlighted by the IPCC as a National issue. An additional factor is the shift from allowing officers to resign whilst under investigation in favour of pursuing the investigation and ensuring the officer facing the appropriate discipline sanction.

45. The outcomes of both complaint and conduct investigation, as seen, may result in the matter being upheld and proceedings follow. This next chart shows the numbers and outcomes of misconduct proceedings during the periods shown.

Outcomes of Proceedings	
April 2013 to March 2014	
<u>Gross Misconduct</u>	
<u>Special Case Hearings</u>	
Dismissal Without Notice	3
<u>Misconduct Hearings</u>	
Dismissal Without Notice	6
Final Written Warning	3
Written Warning	1
Management Advice	0
Total	13
<u>Misconduct</u>	
<u>Misconduct Meetings</u>	
Final Written Warning	3
Written Warning	17
Management Advice	12
No Further Action	5
Total	37

Outcomes of Proceedings	
April 2012 to March 2013	
<u>Gross Misconduct</u>	
<u>Special Case Hearings</u>	
	0
<u>Misconduct Hearings</u>	
Dismissal Without Notice	10
Final Written Warning	1
Written Warning	0
Management Advice	1
Total	12
<u>Misconduct</u>	
<u>Misconduct Meetings</u>	
Final Written Warning	9
Written Warning	16
Management Advice	11
No Further Action	23
Total	59

Ongoing Proactive Work

Review of Prioritising What Matters To The Public

46. West Midlands Police Professional Standards Department have been working pro-actively on a number of different priority areas that impact on the standard of service to public. Examples of such areas of business include: the inappropriate use of social media, leakage of information from police systems and abuse of authority. In an attempt to focus on what matters to the public Professional Standards have altered their processes so that key matters of concern to the public can be addressed as a priority, with appropriate resources being directed into the areas of greatest threat.

Code of Ethics

47. The College of Policing has published the Code of Ethics following wide consultation which has included representatives from the Police Federation, Superintendents' Association, ACPO, UNISON, individuals in forces and a number of PCCs.
48. The Code outlines the importance of personal integrity, honesty and fairness. The standards of professional behaviour which govern police officer misconduct are founded within an existing regulatory framework. These standards are largely mirrored by a non-statutory version for police staff. This Code builds on the existing standards and brings them into a single document.
49. T/Chief Superintendent Goosen is leading on the Code of Ethics supported by the Deputy Chief Constable. The Code Of Ethics supports the ongoing work around the Standards Of Professional Behaviour and has been launched as part of Pride In Our Police. The Code Of Ethics has been published internally so that every member of West Midlands Police can remind themselves of the standards expected of them. All Senior Leaders and Heads Of Dept's, Federation and Union representatives have been briefed so that they are able lead their teams in line with the code.

FINANCIAL IMPLICATIONS

50. There are no financial implications arising directly from this report.

LEGAL IMPLICATIONS

51. The approach to Professional Standards work is reflective of the Force Values and Vision and complies with relevant legislation within the Police Reform Act 2002, the Police Reform and Social Responsibilities Act 2011 and subordinate Regulations.

RECOMMENDATIONS

52. The Board is asked to note the contents of this report.

Chief Superintendent Sharon Goosen
HEAD OF PROFESSIONAL STANDARDS